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August 29, 2019

Honorable James D. Peterson,
Chief U.S. District Judge
120 N. Henry Street, 5th Floor
Madison, Wisconsin 53703

**Re: United States v. Matthew Bulovsky (Case No. 19-CR-0008-JDP)
Factual Error; Correction Requested to PSR**

Dear Judge Peterson:

This is a “better late than never” filing. In my final review of this case with my client last evening, I realized there is a major factual error in the PSR offense facts that, until now, was missed by all. That error had a substantial impact on the PSR guideline calculations. I believe that once the government reviews this letter and the cited page of the discovery, it will concur.

The crimes here involved exchanges of illegal CP imagery between Bulovsky and someone shown as “C.S.”; that is correct. However, **Par. 8** of the PSR mistakenly describes C.S. as a juvenile. In fact, (only) on page 2 of the discovery, C.S. is described as “Charles Sheppard, 12/20/87, of Missouri.” Thus, C.S. was 30 years old at that time, clearly not a minor. Based on that error, though, **Par. 35** (PSR guideline calculations) **includes a 5-level increase** “because defendant distributed images to a minor.” *This is incorrect*, based on the mistaken belief that C.S. was a minor. That 5-level increase thus does not apply. As a result, **the Adjusted Offense Level in Par. 42 should be 35**. The rest of the calculations are correct. The **Total Offense Level in Par. 46 should be 32**. The resulting **guideline range in Par. 81 should be 121-151 months**. We ask the Government to confirm this. We request a sentence of 60 months, as already noted.

I should have caught this earlier. My failure to do so raises a worry about the anchoring effect of the idea the range was 210-262 months. This is the final defense submission.

Respectfully submitted,

/s/ (signed electronically)
Christopher T. Van Wagner

cc: AUSA Elizabeth Altman (via email and e-filing)
SUSPO Rich Williams (via email and e-filing)